(21)

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(S) No.4631/2007

PETITIOENR Babulal Ahirwar, son of Shri Jairam Ahirwar, aged about 35 years, presently working as Rural Agriculture Development Extension Officer, Resident of Bemetara, Tahsil Bemetara, District Durg(CG).

Versus

RESPONDENTS

1. The State of Chhattisgarh, Through- The Secretary, Department of Agriculture, DKS Bhawan, Raipur(CG)
2. The Deputy Secretary Chhattisgarh Government, Agriculture Department Raipur(CG)
3. The Director, Department of Agriculture, Raipur(CG)
4. The Joint Director, Department of Agriculture, Durg(CG)
5. The Sub Divisional Officer (Agriculture), Bemetara, District-Durg(CG)
6. P.R.Khinnoriya, at present working in the office of Senior Rural Agriculture Development Extension Officer Gurur, District Durg(CG)

Appearance:

Shri P.P.Sahu, counsel for the petitioner.

Ms. Deepali Pandey, Panel Lawyer for the State on advance copy.

ORAL ORDER
(13.08.2007)

SUNIL KUMAR SINHA, J.

Heard on admission.

The petitioner, who is working on the post of Rural Agriculture Development Officer, Bemetara, has challenged his order of transfer dated 29.6.2007(Annexure P-1), by which, he has been transferred from the said place to the office of Dy. Director Agriculture Kanker, District-Kanker on administrative grounds.

Learned counsel for the petitioner argues that the petitioner is a low paid employee, therefore, he would be put in great hardship, if he is transferred. He secondly argues that the aforesaid order has been passed to accommodate respondent No.6, who is to come in place of the petitioner. He submits that it appears in the order that respondent No.6 is coming on his own expenses, whereas, the petitioner is being transferred on administrative grounds, therefore, the order appears to be vitiated with malafide.

So far as the first ground is concerned, it is not the dominion of the court to consider the personal difficulties of the employee. It is for the employer to look into such ground.

As far as the ground of malafide is concerned, no case is made out on this ground, as it is a normal phenomenon that if an employee is transferred from a particular place to another place and his place remains as a vacant place, preference is to be given to the person, who wants that place on his own choice and if he is brought in the vacant place of that person, who has been transferred on administrative grounds, the same cannot be treated as a malafide.

On being pointedly asked from learned counsel for the petitioner as to from when the petitioner is posted at Bemetara, he submits that the petitioner is posted there since 1999.

Having heard learned counsel for the petitioner, having considering the facts and circumstances of the case, especially considering that the petitioner, who was posted at Bemetara since the year 1999, has been transferred in the year 2007 to Kanker on administrative grounds, in which, there appears to be no malafide, I am of the opinion that it is not a fit case, in which, this Court is required to issue a writ.

For the foregoing reasons, I do not find any merit in the petition. The petition is dismissed at the motion stage itself. No costs.

Sd/-
Sunil Kumar Sinha
Judge

Sunita